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Message Text

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ORIGIN NEA-10

INFO OCT-01 ISO-00 HA-05 SS-15 SP-02 IO-13 INR-07
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FM SECSTATE WASHDC
TO AMEMBASSY KATHMANDU IMMEDIATE

C O N F I D E N T I A L STATE 002359

STADIS//////////////////
FOR AMB. FROM LANDE, ACTING NEA DEPUTY ASSISTANT SECRETARY

E.O. 11652:GDS

TAGS:SHUM, NP

SUBJECT: HUMAN RIGHTS IN NEPAL

REF:A:KATH 609; B)STATE 307553; C)KATH 5621; D)STATE 289424;
E)DRAFT HUMAN RIGHTS REPORTS OF LATE OCT., AND 12/15/77
1. SUGGESTED CHANGES:
INTRODUCTION: NEPAL IS NOMINALLY A CONSTITUTIONAL MONARCHY
AND THE CONSTITUTION OF 1961, AS AMENDED, PROVIDES FOR
MANY INTERNATIONALLY RECOGNIZED HUMAN RIGHTS AND FREEDOMS.
IN PRACTISE THE KING IS THE SOLE SOURCE OF AUTHORITY FOR
ALL GOVERNMENTAL INSTITUTIONS IN A HIGHLY TRADITIONAL
SOCIETY.

2. PARAGRAPH 1C: ARBITRARY ARREST OR IMPRISONMENT - THE
PUBLIC SECURITY ACT OF 1961 PROVIDES FOR PREVENTIVE DETEN-
TION AND "OTHER MEASURES" AS MAY BE REQUIRED TO "MAINTAIN
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PEACE AND SECURITY." OPPONENTS OF THE MONARCHY HAVE IN
THE PAST BEEN JAILED WITHOUT CHARGES OR LEGAL APPEAL FOR
LONG PERIODS OF TIME. THE GOVERNMENT OF NEPAL, MOREOVER,
HAS INDICATED THAT IT WILL CONTINUE TO DETAIN PERSONS WHO
VIOLATE ITS GROUND RULES FOR ACCEPTABLE POLITICAL ACTIVITY.
OUR EMBASSY ESTIMATES THAT, DEPENDING ON ONE'S DEFINITION
OF POLITICAL PRISONERS, APPROXIMATELY 1OO CURRENT PRISONERS

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MAY HAVE BEEN ARRESTED PARTIALLY ON POLITICAL GROUNDS.
MOST OF THESE HAVE BEEN CHARGED WITH SPECIFIC CRIMINAL

ACTS BUT SOME ARE HELD UNDER THE PUBLIC SECURITY ACT,
WITHOUT SPECIFIC CHARGES UP TO NOW.

3. PARAGRAPH 1D: DENIAL OF FAIR PUBLIC TRIAL - NEPAL HAS
A WELL-ORGANIZED SYSTEM OF COURTS WHICH HANDLES NORMAL
CASES WITH A REASONABLE DEGREE OF INDEPENDENCE. JUDGES
ARE, HOWEVER, BEHOLDEN TO THE GOVERNMENT AND IT WOULD BE
HIGHLY UNLIKELY FOR A JUDGE TO RULE AGAINST THE GOVERNMENT
IN A POLITICAL PROSECUTION.

4. PARAGRAPH 2: RESPECT FOR CIVIL AND POLITICAL LIBER-
TIES: POLITICAL PARTIES WERE BANNED IN 1960 AND REPLACED
BY A SYSTEM OF "PANCHAYAT" COUNCILS FROM THE VILLAGE TO
THE NATIONAL LEVEL, INTENDED TO INVOLVE THE PEOPLE IN
PUBLIC AFFAIRS WHILE PROTECTING THE CROWN'S AUTHORITY.

5. PARAGRAPH 2A: FREEDOM OF THOUGHT, RELIGION, ASSEMBLY:
LOYALTY TO THE PARTYLESS PANCHAYAT SYSTEM HEADED BY THE
KING IS A PREREQUISITE FOR LEGAL POLITICAL ACTIVITY, AL-
THOUGH THE GOVERNMENT DOES ALLOW SOME PROMINENT OPPOSITION
LEADERS TO CRITICIZE THE SYSTEM PRIVATELY. THUS ALL
ASSOCIATIONS, INCLUDING THE INEFFECTIVE, GOVERNMENT-SPON-
SORED LABOR UNION, ARE DIRECTLY INFLUENCED BY THE GOVERN-
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MENT. THE NEPALESE ARE PROUD OF THEIR LONG TRADITION OF
RELIGIOUS TOLERANCE, EXEMPLIFIED BY HINDUS AND BUDDHISTS
WORSHIPPING IN EACH OTHER'S SHRINES.

6. LAST SENTENCE OF 2C READS "FOREIGN PUBLICATIONS ARE
OCCASIONALLY BANNED IN NEPAL IF THEY CARRY SOMETHING
OFFENSIVE TO THE GOVERNMENT". LAST SENTENCE OF (5) READS
"FREEDOM HOUSE NOW LISTS NEPAL AS PARTLY FREE".

7. I THINK THE ABOVE CHANGES, WHICH HAVE BEEN CLEARED BY
D/HA, MEET YOUR REQUIREMENTS. PLEASE CONFIRM/COMMENT
BY OPENING OF BUSINESS JAN. 6. CHANGES WILL BE MADE IN
THE UNCLASSIFIED AS WELL AS CLASSIFIED VERSIONS. CHRISTOPHER

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